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RESOLUTION
NUMBER 2013 - 052

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT
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A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, RELATING TO THE CONSTRUCTION OF AND CONNECTION TO WASTEWATER FACILITIES; PROVIDING FOR DEFINITIONS; PROVIDING FOR THE CREATION OF THE EAST AND WEST SPRING LAKE WASTEWATER MUNICIPAL SERVICE BENEFIT UNIT; APPROVING THE PLANS, SPECIFICATIONS, PROJECT COST ESTIMATES, SYSTEM DEVELOPMENT CHARGES (CONNECTION FEES), AND ACCRUED GUARANTEED REVENUE FEES; CONFIRMING THE INITIAL ASSESSMENT RESOLUTION, AS AMENDED; APPROVING AN ASSESSMENT ROLL AND METHOD BY WHICH ASSESSMENTS SHALL BE COMPUTED; IMPOSING ASSESSMENTS AGAINST PROPERTY WITHIN THE UNIT; PROVIDING FOR COLLECTION OF ASSESSMENTS; PROVIDING FOR NOTICE OF ASSESSMENT; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, on April 10, 2012, the Board of County Commissioners of Charlotte County, Florida (Board), adopted Ordinance No. 2012-008 amending Chapter 4-5, Article XVI, of the Code of Laws and Ordinances of Charlotte County, Florida, to allow for the imposition of special assessments to fund the construction of local improvements, System Development Charges (Connection Fees), and Accrued Guaranteed Revenue Fees (AGRF) to connect and serve the property located within the applicable municipal service benefit unit; and

WHEREAS, on April 24, 2012, the Board adopted Resolution No. 2012-027 (the Initial Assessment Resolution) proposing the creation of the East and West Spring Lake Wastewater Municipal Service Benefit Unit (the Unit) and describing the method of assessing the Project Cost, Connection Fees, and AGRF of the Wastewater Facilities

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(as defined therein) against the real property that will be specially benefited thereby, and directing preparation of the tentative Assessment Roll and provision of the notices required by Chapter 4-5, Article XVI, Charlotte County Code and other applicable provisions of law; and

WHEREAS, on May 28, 2013, the Board adopted Resolution No. 2013-036 amending the Initial Assessment Resolution by including developed non-residential lots, providing for a rebate program and methodology, providing for an initial prepayment option, and providing temporary assistance for failing OSTDS; and

WHEREAS, pursuant to the provisions of Chapter 4-5, Article XVI, Charlotte County Code, the County is required to confirm or repeal the Initial Assessment Resolution, as amended, with such amendments as the Board deems appropriate, after hearing comments and receiving objections of all interested parties; and

WHEREAS, the Assessment Roll has heretofore been filed with the office of the County Administrator, as required by Chapter 4-5, Article XVI, Charlotte County Code; and

WHEREAS, as required by the terms of Chapter 4-5, Article XVI, Charlotte County Code, and other applicable provisions of law, a notice of public hearing has been published and notices have been mailed to each property owner proposed to be assessed, notifying such property owner of the opportunity to be heard; an Affidavit of Mailing is attached hereto as Appendix "B" and incorporated herein by reference; and

WHEREAS, on July 24, 2013, the Board of County Commissioners for Charlotte County, Florida, held a public hearing and comments and objections of all interested

persons have been heard and considered as required by the terms of Chapter 4-5, Article XVI, Charlotte County Code, and other applicable provisions of law; and

WHEREAS, the Board hereby finds that the final assessment adopted herein confers a special benefit upon the properties burdened by the assessment and is fairly and reasonably apportioned among the properties that receive the special benefit.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA:

SECTION 1. AUTHORITY. This Resolution is adopted pursuant to Chapter 4-5, Article XVI, Charlotte County Code, Chapter 125, Florida Statutes, and other applicable provisions of law.

SECTION 2. DEFINITIONS. This Resolution is the Final Assessment Resolution as defined in Section 4-5-387, Charlotte County Code. All capitalized terms in this Resolution shall have the meaning defined in Section 4-5-361, Charlotte County Code, and the Initial Assessment Resolution, as amended.

SECTION 3. CREATION OF THE EAST AND WEST SPRING LAKE WASTEWATER MUNICIPAL SERVICE BENEFIT UNIT. The East and West Spring Lake Wastewater Municipal Service Benefit Unit is hereby created to include the property described in Appendix "A" attached hereto and incorporated herein by reference, and for the purpose of improving the use and enjoyment of property located therein by constructing Wastewater Facilities to provide access and connection to wastewater treatment services.

SECTION 4. APPROVAL OF PLANS, SPECIFICATIONS AND PROJECT COST ESTIMATES. The general plans and specifications, as well as the estimated

Project Costs, System Development Charges (Connection Fees), and AGRF for the East and West Spring Lake Wastewater Municipal Service Benefit Unit are hereby approved.

SECTION 5. CONFIRMATION OF INITIAL ASSESSMENT RESOLUTION. The Initial Assessment Resolution, as amended, is hereby ratified and confirmed.

SECTION 6. APPROVAL OF ASSESSMENT ROLL AND METHODOLOGY. The Assessment Roll, which is currently on file with the County Administrator and incorporated herein by reference, is hereby approved. The methodology for computing annual Assessments shall be as described in the Initial Assessment Resolution, as amended, and is hereby approved.

SECTION 7. ASSESSMENTS.

(A) The Tax Parcels described in the Assessment Roll are hereby found to be specially benefited by the construction of the Wastewater Facilities and the connection of the Parcels thereto. The rate of assessment for fiscal year 2013 - 2014 and the maximum authorized capital assessment against the taxable real estate within the boundaries of the Unit are hereby established in accordance with the following schedule:

	<u>2013-2014</u>	<u>Maximum</u>
Each Developed Equivalent Residential Unit - Capital Cost (ERU)	\$379.51	\$379.51
Each Vacant Equivalent Residential Unit - Capital Cost (ERU)	\$307.59	\$307.59
Each Developed Equivalent Residential Connection - System Development Charges (Connection Fees) & AGRF (ERC)	\$120.43	\$120.43

Said Assessments shall be levied for a period of twenty (20) years, commencing with the tax bill mailed in November 2013.

(B) Upon adoption of the Annual Assessment Resolution for each Fiscal Year, the Assessments shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid. The lien shall be deemed perfected upon adoption by the Board of the Annual Assessment Resolution and shall attach to the property included on the Assessment Roll as of the prior January 1, the lien date for ad valorem taxes.

SECTION 8. COLLECTION OF ASSESSMENTS. The Assessments shall be collected pursuant to the Uniform Assessment Collection Act, except Assessments imposed against Government Property which shall be collected pursuant to Section 4-5-404, Charlotte County Code. Upon adoption of the Annual Assessment Resolution for each Fiscal Year, the County Administrator shall cause the certification and delivery of the Assessment Roll to the Tax Collector by September 15, in the manner prescribed by the Uniform Assessment Collection Act.

SECTION 9. NOTICE OF ASSESSMENT. The County Administrator is hereby directed to record this Resolution as notice of the Assessments in the Official Records Book in the office of the Charlotte County Clerk of Courts. The preliminary Assessment Roll and each annual Assessment Roll shall be retained by the County Administrator and shall be available for public inspection.

SECTION 10. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

PASSED AND DULY ADOPTED this 24th day of July, 2013.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: 
Christopher G. Constance, Chairman

ATTEST:
Barbara T. Scott, Clerk of Circuit
Court and Ex-Officio Clerk to the
Board of County Commissioners

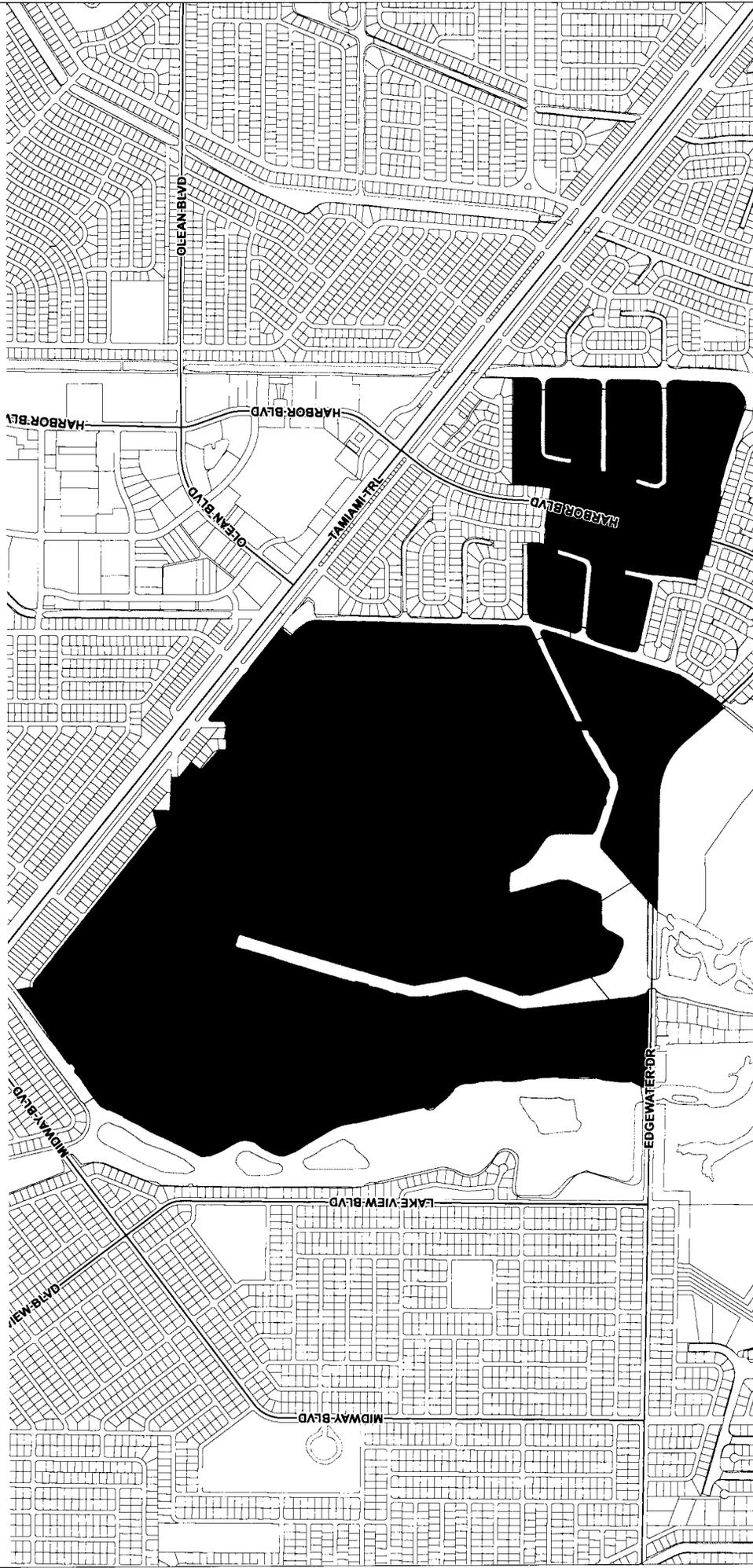
By: 
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: 
Janette S. Knowlton, County Attorney

LR2013-1157 

**APPENDIX A
 EAST & WEST SPRING LAKE WASTEWATER MSBU**



Scale: 1" = 200'

Legend
 East & West Spring Lake Boundary

Shading Projection
 North Arrow
 Units: Feet

Source: Charlotte County Utilities

Metadata available upon request

This map is a representation of computer generated information. It is intended for informational purposes only. The County is not responsible for any errors or omissions in this map. For more information, please refer to recorded data and related documents.

AFFIDAVIT OF MAILING

STATE OF FLORIDA
COUNTY OF CHARLOTTE

BEFORE ME, the undersigned authority, personally appeared Deana M. Southwell who, after being duly sworn, deposes and says:

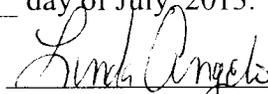
1. I, Deana M. Southwell, have been designated by the County Administrator of Charlotte County, Florida, to mail the public hearing notices required by Florida law and Section 4-5-386, of the Charlotte County Code, which requires that proof of mailing of said notices shall be provided by affidavit.
2. On or before 07/02/13, I mailed, or directed the mailing of, a public hearing notice in accordance with Florida law and Section 4-5-386, of the Charlotte County Code, to all affected property owners within the proposed East and West Spring Lake Municipal Service Benefit Unit (the "Unit"), at the address shown on the assessment rolls for said Unit for the purpose of imposing non-ad valorem assessments against all affected properties within the Unit.


Deana M. Southwell

STATE OF FLORIDA
COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me by Deana M. Southwell who is personally known to me and did not take an oath.

WITNESS, my hand and official seal this 2nd day of July, 2013.


Signature of Notary

Printed Name of Notary

My commission expires: _____



LINDA ANGELO
MY COMMISSION # DD 960690
EXPIRES: February 17, 2014
Bonded Thru Budget Notary Services

APPENDIX B